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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Don Nguyen, Evan Nguyen, and Matthew
7 Nguyen,

8 Plaintiffs,

9 v.

10 Pacific Life Insurance Company,

11 Defendant.

Case No. 2:22-cv-00449-ART-DJA

Order

12 This is an insurance bad faith action arising out of decedent Tom Nguyen's life insurance
13 policy through Defendant Pacific Life Insurance Company. Beneficiaries of the policy—
14 Plaintiffs Don Nguyen, Evan Nguyen, and Matthew Nguyen—sue Defendant for damages,
15 alleging claims for breach of insurance contract, breach of the duty of good faith and fair dealing,
16 and statutory bad faith under Nevada law. Plaintiffs assert that Defendant looked for any reason
17 to deny their claim to the policy after Tom Nguyen's death.

18 Defendant moves to seal an unredacted version of its reply in support of its motion for
19 summary judgment and the exhibits thereto. (ECF No. 62). No party responded to the motion to
20 seal. Because the Court finds that Defendant has demonstrated compelling reasons, it grants the
21 motion to seal.

22 **I. Background.**

23 Defendant seeks to redact exhibits to its reply in support of its motion for summary
24 judgment and portions of its reply because those exhibits and those portions of the reply refer to
25 its internal underwriting and claim review guidelines that it designated confidential. It explains
26 that those documents are competitively sensitive and proprietary, that they are developed
27 internally, and that they are not made publicly available. Defendant adds that the insurance
28 business is very competitive and that its underwriting and claims handling documents are key to

1 its business strategy. This means that, if competitors obtained the information contained in those
2 documents, Defendant would lose its competitive advantage. Defendant adds that these materials
3 are the same that it previously moved to seal, which motions the Court granted. (ECF Nos. 45,
4 58).


5 **II. Discussion.**

6 A party seeking to file a confidential document under seal must file a motion to seal and
7 must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*,
8 447 F.3d 1172 (9th Cir. 2006) and *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092
9 (9th Cir. 2016). A party seeking to seal judicial records attached to motions more than
10 tangentially related to the merits of the case must meet the "compelling reasons" standard. *See*
11 *Kamakana*, 447 F.3d at 1183; *Ctr. for Auto Safety*, 809 F.3d at 1101. For records attached to
12 motions not more than tangentially related to the merits of the case, the "good cause" standard
13 applies. *See Ctr. for Auto Safety*, 809 F.3d 1095, 1101. That a party has designated a document
14 as confidential under a protective order does not, standing alone, establish sufficient grounds to
15 seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133, 1138
16 (9th Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).
17 Failure to respond to a motion constitutes consent to the Court granting it under Local Rule 7-
18 2(d).

19 Here, as a preliminary matter, the Court finds that the compelling reasons standard
20 applies. The Court also finds that Defendant has met that standard. Additionally, no party has
21 opposed the motion. The Court thus grants Defendant's motion.

22
23 **IT IS THEREFORE ORDERED** that Defendant's motion to seal (ECF No. 62) is
24 **granted**. The documents filed under seal at ECF No. 61 shall remain under seal.

25
26 DATED: November 3, 2023

27 
28 DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE